

Application No. 10/032,336

0052718-0003

REMARKS

This is responsive to the Official Action mailed June 18, 2003 for the present application. Reconsideration of the application, as amended, in view of the remarks made herein is respectfully submitted.

Claims 1-10 are pending in the present patent application. Applicant has amended claims 1-6. Applicant has also added claims 7-10. Applicant respectfully requests reconsideration and re-examination of claims 1-10 in the present patent application.

1. Claim Amendments and Written Support Thereof

Claim 1-6 are pending, and have been amended. New dependent claims 7-10 have been added.

2. Examiner's Objection to the Abstract

Examiner has objected to the abstract because of the inclusion of legal phraseology "means" and "said." Applicant has replaced the abstract with another. The new abstract does not recite the words "means" and "said." Thus, Applicant submits that Examiner's objection to the abstract is overcome.

3. Examiner's Rejection of the Claims 1-6 Under 35 U.S.C. 112, Second Paragraph

Examiner rejected claims 1-6 under 35 U.S.C. 112, second paragraph as being indefinite. Applicant has amended claims 1-6 to eliminate any perceived ambiguity, lack of antecedent basis and/or other deficiencies cited by Examiner. Specifically, the term "loop means" and "button

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means" have been replaced with "first fastening means" and "second fastening means," respectively. These terms are intended to be positively recited claims elements, not means plus function limitations. Written support for the phrase "fastening means" can be found at p.1, lines 35-38 of the specification. Thus, applicant submits that Examiner's rejection of claims 1-6 under 35 U.S.C. 112, second paragraph is overcome.

4. Examiner's Rejection of Claims 1-6 under 35 U.S.C. § 102(b)

Examiner has rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent number 5,738,159 issued to Jane H. O'Brien ("O'Brien").

Claim 1 has been amended such that the engagement and disengagement of the "first fastening means" and "second fastening means" is the full means by which the window treatment is raised or lowered. That is, the claimed window treatment is not raised or lowered by pull strings. Also, the terms "button means" and "loop means" were replaced with "first fastening means" and "second fastening means" respectively. Applicant made the amendment to reflect that the button means and loop means, for example, may be positioned one above the other, or vice versa. (See specification, page 4, lines 24-29).

As discussed with Examiner Purol, the claims, as amended, are distinguishable over the O'Brien reference in several respects.

- The O'Brien window drapes are elevated and maintained in a desired position by pulling drawstrings. (See e.g., Figures 12 and 14; col. 6, lines 48-51; lines 59-62; and lines 64-67; col. 7, lines 4-10).

In contrast, the presently claimed window treatment is elevated and then maintained in position by engaging the "first means" and "second means". This constitutes the full means by which the claimed window treatment is raised and lowered in a desired position. Further, such

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engagement permits the partial or complete raising of the window treatment without having to remove the window from its fixed position. (See specification, p.1, lines 34-37).

• The O'Brien loop (20) and button (22) are specifically used to facilitate suspension of the drape from a rod or other fixture. Such loop or button are not used to elevate and maintain portions of the drape in positions when it is suspended. (See e.g., Figures 4, 10, 18 and 19). As previously mentioned, the O'Brien drapes are drawn by pulling drawstrings. Nowhere does O'Brien disclose the use of engaging buttons (22) and loops (20) as a means to partially or completely raise the drape while it is suspended.

In the present claims, the "first means" (e.g., loops) and "second means" (e.g., buttons) are positioned such that the window treatment can be partially or completely raised by engaging the "first means" and "second means". This capability permits the user to raise the drape at different levels without having to remove the window treatment from its fixed position.

New claims 7-11 depend from claim 1. The new claims recite specific types of fastening means and do not enlarge the original scope of claim 1. Applicant submits that dependent claims 7-11 are patentable over the cited prior art for the same reasons dependent claim 1 is patentable over such prior art.

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CONCLUSION

For at least the foregoing reasons, Applicant respectfully submits that pending claims 1-10 are patentably distinct from the prior art of record and in condition for allowance. Applicant therefore respectfully requests that pending claims 1-10 be allowed.

Respectfully submitted,

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